



**U.S. Department of Agriculture  
Personnel Security Bulletin #10-01  
Subject: NICS Improvement Amendments Act of 2007  
(NIAA), Public Law 110-180**

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Agriculture

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**Subject:** All agencies must support NIAA to keep firearms out of the hands of criminals and others prohibited from possessing them.

**Date Issued:** January 5, 2010

**Effective Date:** January 5, 2010

**Scope and Effect:** This is an internal advisory document for use by USDA personnel involved in implementing USDA's personnel security program. **THE CONTENTS OF THIS BULLETIN ARE RETROACTIVE TO JANUARY 2008.**

**Supersession:** None.

**Background:** The National Instant Criminal Background Check System (NICS) is run by the Federal Bureau of Investigation (FBI) and it checks available records in three databases – the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index – to determine if a person is disqualified from receiving firearms.

On January 8, 2008, the President signed NIAA to increase the quantity of information available to NICS by requiring federal departments and agencies to submit relevant information in their possession that demonstrates a person falls within one of the ten categories of persons who are prohibited from receiving or possessing firearms under federal law. The ten categories are as follows:

- (1) Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Persons who are fugitives from justice;
- (3) Persons who are unlawful users of or addicted to any controlled substance;
- (4) Persons who have been adjudicated as mentally defective or have been committed to a mental institution;
- (5) Persons who are aliens and are illegally or unlawfully in the United States;
- (6) Persons who have been discharged from the U.S. Armed Forces under dishonorable conditions;

- (7) Persons who, having been citizens of the United States, have renounced their U.S. citizenship;
- (8) Persons subject to a court order that restrains them from harassing, stalking, or threatening an intimate partner or child of such intimate partner, or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury;
- (9) Persons convicted in any court of a misdemeanor crime of domestic violence; and,
- (10) Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

A fact sheet describing the ten categories of prohibited persons is attached to this bulletin.

PDSD is required to report prohibited employees to the Attorney General no less than on a quarterly basis. PSDS will send out quarterly reminders to respond; negative replies will be required.

New Procedure: **Effective immediately, all Human Resources (HR), Employee Relations (ER), and Personnel Security points-of-contact must report all persons whom fall within one of the ten categories, to John Loveless, Chief of Personnel Security, at [john.loveless@usda.gov](mailto:john.loveless@usda.gov) or (202) 720-7373, within five (5) business days of determining a person falls within one or more of the categories.**

**As this Bulletin is retroactive to January 2008, it is requested that anyone with reportable information report that information immediately.**

Further Information: For further information, please contact John Loveless at (202) 720-7373.

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